

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-12499 MLW

TERRI L. PECHNER-JAMES )  
and SONIA FERNANDEZ )  
Plaintiffs )  
VS. )  
CITY OF REVERE, THOMAS )  
AMBROSINO, MAYOR, CITY )  
OF REVERE POLICE DEPT. )  
TERRENCE REARDON, CHIEF )  
OF POLICE, BERNARD FOSTER )  
SALVATORE SANTORO, ROY )  
COLANNINO, FREDERICK )  
ROLAND, THOMAS DOHERTY )  
JOHN NELSON, JAMES RUSSO )  
MICHAEL MURPHY and )  
STEVEN FORD )  
Defendants )

**PLAINTIFFS, TERRI PECHNER-JAMES AND SONIA FERNANDEZ REQUEST  
FOR SANCTIONS AND OPPOSITION TO CITY OF REVERE MOTION FOR  
DISCOVERY SANCTIONS**

Now comes the Plaintiffs and hereby request sanctions against the Defendants and oppose the Defendants motion for discovery sanctions. The Plaintiffs state the following in support of their motion:

1. The Defendants propounded 180 interrogatories upon Plaintiff, Terri Pechner-James and 132 interrogatories upon Plaintiff, Sonia Fernandez.
2. The parties stipulated December 6, 2005 as the date for the filing of responses. The Plaintiffs responded to all the interrogatories propounded by the Defendants.

3. In a letter dated December 15, 2005, the Defendants requested supplementation and/or amendment to 46 of the responses provided by Terri Pechner-James and 41 of the responses provided by Sonia Fernandez.

4. The Plaintiff, Terri Pechner-James has supplemented and or amended the 46 responses identified; the Plaintiff, Sonia Fernandez, has supplemented or amended the 41 responses identified. **See Attached Exhibits A & B.**

5. Sonia Fernandez' responses 39, 49, 50,51,52,53,54,62,63,74,65,69,70,73, and 75 seek names, dates and times. The names, dates and times relate to incidents that the Defendants had a duty to investigate but did not. Sonia Fernandez has provided the fullest supplement that is possible. Plaintiff Terri Pechner-James also has provided responses that are as full and complete as possible.

6. The Defendants have filed this motion without complying or seeking to comply with Federal Rule 37 and Local Rule 37.1. As the moving party, the Defendants had the burden of conferring or seeking to confer with the Plaintiffs in order to secure information or material without the necessity of court action. This requirement is mandatory.

7. The Defendants Rule 37 certification is inadequate. It consists of an exchange of correspondence, initiated by the Plaintiffs counsel, to schedule a date. No meeting or conference was ever held.

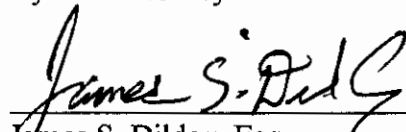
8. The Plaintiffs have not only supplemented their responses but they have made themselves available for depositions. One Plaintiff, Terri Pechner-James, has already completed one of her three days of depositions and Sonia Fernandez will be deposed as soon as a date can be arranged by the parties.

9. The Plaintiffs do not have in their possession any information or material that the Defendants have requested. They have submitted themselves to depositions. The remedies sought by the Defendants do not apply to these Plaintiffs.

10. Not only does Defendants motion fail to meet the mandatory requirements of Rule 37 but it is frivolous and does not apply to the present Plaintiffs. There is no basis in fact or law to support their motion. Their motion should be dismissed and fees and costs should be awarded to the Plaintiff for the costs incurred in preparing and prosecuting this motion.

WHEREFORE, the Plaintiffs request that this Court dismiss Defendants motion in its entirety and award fees and costs to the Plaintiffs.

Terri Pechner-James and  
Sonia Fernandez  
By their attorney

A handwritten signature in black ink, appearing to read "James S. Dilday", is written over a horizontal line.

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